

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION

MELISSA KIGER

v.

JENNINGS FUNERAL HOMES, INC;  
and FENTRESS MEMORIAL  
GARDENS, INC. a/k/a Fentress Memory  
Gardens, Inc.

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) No. 2-10-0084  
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ORDER

By contemporaneously entered order, the Court has approved and entered the parties' case management order, with modifications addressed at the initial case management conference held on November 12, 2010. Those modifications and other matters addressed on November 12, 2010, are as follows:

1. The defendants shall have until November 22, 2010, to file a reply to the plaintiff's response (Docket Entry No. 16) to the defendants' motion to dismiss (Docket Entry No. 13).

No other filings in support of or in opposition to the defendants' pending motion to dismiss shall be made except with the express permission of the Honorable Todd J. Campbell, Chief Judge.

There shall be no stay of discovery during the pendency of the defendants' motion to dismiss.

2. Any discovery motion shall be filed by July 25, 2011. Before filing such a motion, the parties shall confer in good faith to attempt to resolve their differences and, if unable to do so, shall schedule and participate in a conference call with the undersigned Magistrate Judge.

3. The parties shall not be required to file a joint mediation report.

4. Any dispositive motions shall be filed by September 23, 2011. Any response shall be filed within 31 days of the filing of the motion or by October 24, 2011, if the motion is filed on September 23, 2011. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by November 7, 2011, if the response is filed on October 24, 2011.

No other filings in support of or in opposition to any dispositive motion shall be made except with Chief Judge Campbell's express permission.

No party shall file more than one Rule 12 motion to dismiss or more than one Rule 56 motion for summary judgment.<sup>1</sup>

There shall be no stay of discovery before the July 15, 2011, deadline for completion of fact discovery or the August 15, 2011, deadline for completion of expert discovery even if a dispositive motion is filed prior thereto.

5. Counsel for the parties shall convene a telephone conference call with the Magistrate Judge on **Tuesday, March 8, 2011, at 9:00 a.m.**, to be initiated by plaintiff's counsel, to address the status of case, the potential for settlement, propriety of ADR, any disputed issues that may have arisen, and/or any other appropriate matters.

Based on the above scheduling, it is recommended that a jury trial be scheduled no earlier than February 7, 2012, in Cookeville. The parties estimate that the trial will last 2-3 days.

The Clerk is directed to forward the file in this case to Chief Judge Campbell to schedule the case for trial and for his consideration of the defendants' pending motion to dismiss and accompanying memorandum (Docket Entry Nos. 13-14), the plaintiff's response (Docket Entry No. 16), and any reply to be filed by the defendants no later than November 22, 2010.

It is so ORDERED.

  
JULIET GRIFFIN  
United States Magistrate Judge

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<sup>1</sup> Defendants' counsel understands that, since the defendants have already filed a motion to dismiss, they are precluded from filing any further motion to dismiss.